

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

MDL No. 2419
Master Dkt. 1:13-md-02419-RWZ

THIS DOCUMENT RELATES TO:

All Actions

**LEAD COUNSEL’S REPORT TO THE COURT CONCERNING STATUS OF
AGREEMENT BETWEEN THE TORT TRUSTEE AND THE CENTERS FOR
MEDICARE AND MEDICAID SERVICES**

In a hearing on Tuesday August 17, 2016, the Court heard from Lead Counsel for the Plaintiffs Steering Committee and counsel from the United States Department of Justice (“DOJ”) on behalf of the Centers for Medicare and Medicaid Services (“CMS”) . At that hearing the Court instructed the parties to report to the Court at the next regularly scheduled status conference on August 24, 2016, what issues, if any, the parties were able to address with respect to the Proposed Settlement with CMS to resolve CMS’s claims against the recovery received by Medicare-Entitled Claimants by the Five NECC Funds and what progress, if any, DOJ has made in approving the Proposed Settlement.

Since the August 17, 2016 hearing, the parties have had multiple discussions. With minor revisions to the form of agreement previously filed with the Court for approval on August 4, 2016 [Dkt. No. 3023], the parties are happy to report that they have reached full agreement. A copy of the revised draft agreement is attached hereto as Exhibit A for the Court’s consideration. The revisions to the agreement are minor and consist of further clarifications of concepts previously agreed to by the parties.

In addition, a representative of the DOJ will be available by phone during the August 24, 2016 status conference to report to the Court on the status of DOJ approval of the Proposed Agreement.

Dated: August 23, 2016

Respectfully submitted,

/s/ Thomas M. Sobol
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CERTIFICATE OF SERVICE

I, Thomas M. Sobol, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: August 23, 2016

/s/ Thomas M. Sobol
Thomas M. Sobol (BBO# 471770)